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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,756	01/09/2002	Christopher D. Farnes	100110217	7287

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

CHOI, PETER H

ART UNIT	PAPER NUMBER
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3623

MAIL DATE	DELIVERY MODE
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11/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/043,756	FARNES ET AL.	
	Examiner	Art Unit	
	Peter Choi	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9, 11-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 31, 2007 has been entered.

2. The following is a **NON-FINAL** office action upon examination of application number 10/043756. Claims 1-3, 5-9, 11-16, and 18-20 are pending in the application and have been examined on the merits discussed below.

Response to Amendment

3. Claims 1, 2, 5-8, 11-15, and 18-20 are amended.
4. Claims 4, 10, and 17 are canceled.

Response to Arguments

5. Applicant's arguments filed August 31, 2007 have been fully considered but they are not persuasive.

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Applicant argues that the general concept of collecting customer data (taken as Official Notice), viewed in combination with Lassenius, does not teach or suggest the claimed invention (specifically, the steps of “receiving data from different perspectives associated with an organization and regarding a total customer experience of customers of said organization, said gathering data including gathering data from a customer regarding customer satisfaction with a priority of said customer with respect to said organization and also including gathering data from a manager within said organization regarding a perceived priority of said customer with respect to said organization” and “determining a goal for said organization along with an associated success metric for accomplishing said goal, wherein said goal is selected to improve a customer experience shortcoming identified based on said data”. Applicant further argues that none of the information provided in support of the Official Notice teaches or suggests the claimed features described above, which are present in claims 1, 7, and 14.

The Examiner notes that the information provided was supplied in support of Official Notice, and was not relied upon in the rejection of the claims. Thus, the Applicant's argument that said information provided fails to teach certain claim limitations is moot. The Examiner asserts that Lassenius does indeed teach the steps of receiving data from different perspectives associated with an organization (Paragraphs 7-8 discuss the Balanced Scorecard, a method for strategic management that has four perspectives for strategic objectives: financial, customer, internal business process, and innovation and learning) regarding customer experience (Figure 1, the customer

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perspective is measured by the strategic objective of "How do customers see us?"), as well as determining organizational goals along with associated success metrics for accomplishing said goal (Paragraph 15, goals are defined, and for each goal, a set of questions is used to characterize the object of measurement with respect to a selected issue, and based on the questions, metrics that answer the questions in a quantitative way are defined).

Applicant argues that the Matta reference provided in support of Official Notice does not mention the use of Total Quality Management in product design. Applicant further argues that even when viewed in combination with Lassenius, Matta's general concepts of collecting customer data prior to design and continually analyzing customer requirements and satisfaction indicators do not teach or suggest, "receiving data from different perspectives associated with an organization and regarding a total customer experience of customers of said organization, said gathering data including gathering data from a customer regarding customer satisfaction with a priority of said customer with respect to said organization and also including gathering data from a manager within said organization regarding a perceived priority of said customer with respect to said organization" and "determining a goal for said organization along with an associated success metric for accomplishing said goal, wherein said goal is selected to improve a customer experience shortcoming identified based on said data", as recited in claims 1, 7, and 14.

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The Examiner asserts that Matta was provided in support of the concept of Official Notice taken that collecting customer data is old and well known in the art. The Official Notice was not taken in any specific context, such as TQM or customer satisfaction data; rather, Official Notice was taken on the broader concept of collecting customer data. As asserted above, the Matta reference was supplied in support of Official Notice, and was not relied upon in the rejection of the claims. Thus, the Applicant's argument that Matta fails to teach certain claim limitations is moot.

Applicant argues that Meyer, either alone or in combination with Lassenius and Official Notice, does not cure the deficiencies noted above with respect to the combination of Lassenius in view of Official Notice in rejecting claims 1, 7, and 14.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The Examiner asserts that Meyer was used to provide teachings of the steps of managers associated with an organization providing data (canceled claims 4, 10, and 17). Further, Meyer teaches the step of gathering data from a manager within an organization, as recited in amended claims 1, 7 and 14.

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6. Applicant's arguments with respect to claims 1, 7 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the general concept of collecting customer data (taken as Official Notice), viewed in combination with Lassenius, and Meyer, do not teach or suggest the claimed invention (specifically, the steps of "receiving data from different perspectives associated with an organization and regarding a total customer experience of customers of said organization, said gathering data including gathering data from a customer regarding customer satisfaction with a priority of said customer with respect to said organization and also including gathering data from a manager within said organization regarding a perceived priority of said customer with respect to said organization" and "determining a goal for said organization along with an associated success metric for accomplishing said goal, wherein said goal is selected to improve a customer experience shortcoming identified based on said data").

The Examiner asserts that the relevance of the previously cited references in view of the newly amended subject matter, as argued above, will be addressed in the updated Office Action below.

Official Notice

In the previous Office Action mailed June 5, 2006, notice was taken by the Examiner that certain subject matter is old and well known in the art. Per MPEP

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2144.03(c), these statements are taken as admitted prior art because no traversal of this statement was made in the subsequent response. Specifically, it has been taken as prior art that:

- Collecting data from partner organizations is old and well known in the art

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-3, 5, 7-9, 11, 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casper Lassenius, Maarit Nissinen, Kristian Rautiainen and

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Reijo's "The Interactive Goal Panel: A Methodology for Aligning R&D Activities With Corporate Strategy", published in October 1998 (previously supplied; hereinafter referred to as Lassenius et al.) in view of Shoemaker et al. (USPGPub 2003/0167197).

As per claim 1, Lassenius et al. teaches a computer-implemented method for utilizing a total customer experience action planning process to provide an improved customer experience, said method comprising:

(a) gathering data from different perspectives (**The Balanced Scorecard is a method for strategic management that makes measurement an essential part of implementing the company strategy; The Balanced Scorecard has four perspectives for strategic objectives: the financial perspective, the customer perspective, the internal business process perspective, and the innovation and learning prospective**) associated with an organization (**The objects, goals, and performance measures already in use in the organization are identified and analyzed**), said gathering data including gathering data from a customer regarding customer satisfaction (**Figure 1, one of the metrics/objectives of the Customer Perspective is 'How Do Customers See Us'?**) and also including gathering data from a manager within said organization (**The objects, mechanisms and goals for the dimensions of the BSC are defined by interviewing representatives at different levels in the company. At the strategic level, senior management, product development managers and financial managers are interviewed. At the process and project levels, process owners and R&D project managers are interviewed. At**

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the fourth level, all employees in the R&D organization give their contribution and ideas for goals) [Paragraphs 7, 8, 41, 43, Figure 1];

(b) during a strategy session associated with said organization (**strategic control aspects are presented to the rest of the organization and analyzed in workshops**), determining a goal for said organization along with an associated success metric for accomplishing said goal (**for each object, the goals and mechanisms to achieve those goals are formulated; the objects, mechanisms and goals for the dimensions of the Balanced Score Card are defined by interviewing representatives at different levels in the company**), wherein said goal is selected to improve a shortcoming identified based on said data (**The objects, mechanisms and goals for the dimensions of the BSC are defined by interviewing representatives at different levels in the company. At the strategic level, senior management, product development managers and financial managers are interviewed. At the process and project levels, process owners and R&D project managers are interviewed. At the fourth level, all employees in the R&D organization give their contribution and ideas for goals**) [Paragraphs 42, 43, 44];

(c) determining a department action plan for accomplishing said department goal (**for each object, the goals and mechanisms to achieve those goals are formulated; the objects, mechanisms and goals for the dimensions of the Balanced Score Card are defined by interviewing representatives at different levels in the company**), wherein said department goal is closely associated with a

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business objective of said organization **(the goals are often related to process improvement or the installation of new processes)** [Paragraph 33, 42, 43]; and

(d) taking measurable action to accomplish said goal **(a control plan is formulated, documenting all aspects and levels of the framework. It also includes practical issues normally found in measurement plans, such as the definition of data to collect, the identification of persons responsible for the metrics, and information on visualization and distribution of the metrics data)** [Paragraph 47].

Lassenius et al. does not explicitly collect customer data. However, Official Notice is taken that it is old and well known in the art to collect customer data. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. to collect customer data, because doing so would provide information from the customer perspective, which would be taken into consideration by Lassenius while aligning R&D activities with corporate strategy to meet the needs of customers.

The customer satisfaction data and data gathered from managers taught by Lassenius et al. are not explicitly directed towards perceived customer priority with respect to an organization, nor are the goals taught by Lassenius et al. explicitly directed towards improving customer experience.

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However, Shoemaker et al. teaches the concept of conducting customer satisfaction surveys pertaining to the perceived customer relationship with an organization **[Paragraphs 1, 2 discuss information on customer satisfaction, customer loyalty and corporate reputation; Paragraph 24 discloses, The customer survey asks a number of customer satisfaction questions designed to pull relevant information from respondents about their relationship with and impression of the company and its products or services; Paragraph 27 discloses, The survey asks questions in the area of customer loyalty and satisfaction, including questions concerning the customers perception of the company in the areas of value, quality and price of the company products and/or services]** and recommending and developing action plans (i.e., goals) based on research results and past customer relationships **[Paragraph 4]** Shoemaker et al. also teaches the step of gathering data from a manager regarding a perceived priority of customers with respect to an organization **[Paragraph 18, Account management tool 30 provides managers with a number of resources, including survey information collected by the market research firm, and customer follow up information; Paragraphs 33-35, after the survey is completed, survey answers are processed using pre-established criteria to provide various customer satisfaction scores. In addition to analyzing survey answers and providing reports on an individual respondent basis, survey answers are also analyzed on aggregated on a wider basis. Survey results are also analyzed to determine if follow-up action is necessary].**

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Lassenius et al. is directed towards aligning activities with organizational goals, considering the Customer Perspective of the Balanced Scorecard to align organizational activities to organizational strategies, and developing goals and metrics to implement changes to existing activities and practices. Similarly, Shoemaker et al. is directed towards customer relationship measurement and management, collecting data to ascertain customer satisfaction, and developing action plans for implementation and distribution throughout the organization. Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lassenius et al. to incorporate customer satisfaction data from customers and organizational managers to be used in developing goals to improve customer experience, as taught by Shoemaker et al., because doing so enhances the ability of Lassenius et al. to more fully develop the Customer Perspective in developing new strategies, and further because using feedback obtained from customers and managers further enhances the ability of Lassenius et al. to develop new goals, metrics and objectives for implementation to bring organizational practices into alignment with organizational strategies of maintaining customer loyalty, satisfaction, and retention, a goal of customer relationship management.

Claims 7 and 14 recite limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies

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Furthermore, the IGP (Interactive Goal Panel) concept discussed by Lassenius et al. is also supported with modern information technology that would greatly enhance its usability. Uses for IT include aiding with the definition of the controllability parameters, helping with data collection, and analyzing as well as visualizing the data. Lassenius et al. have developed a visualization tool based on Java-technology that supports on-line visualization of the IGP and metrics over an intra-or internet. The computer on which the IGP visualization tools operate inherently includes a processor, a memory device, and an addressable data bus coupled to said processor. Thus, Lassenius et al. teaches a computer readable medium having computer readable code embodied thereon (as per claim 7) and a computer system with a processor, data bus and memory device (as per claim 14)

As per claim 2, Lassenius et al. teaches the method as described in claim 1 further comprising:

(e) during a commitment session associated with said organization, providing an overview of said total customer experience action planning process to a manager of said organization and to staff associated with said manager. **(strategic control aspects are presented to the rest of the organization and analyzed in workshops. The objective of the workshops is to harmonize and gain consensus on the goals to strive for and the control mechanisms to use)** [Paragraph 44].

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Claims 8 and 15 recite limitations already addressed by the rejection of claim 2 above; therefore, the same rejection applies

As per claim 3, Lassenius et al. does not explicitly teach the method as described in claim 1 wherein said data further comprises data provided by a partner organization that works together with said organization.

It has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that the step of collecting data from partner organizations is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. to include the step of gathering data from partner organizations because the resulting combination would broaden the amount of available data for analysis, and also to assess the compatibility of partner organizations with newly determined goals.

Claims 9 and 16 recite limitations already addressed by the rejection of claim 3 above; therefore, the same rejection applies

As per claim 5, Lassenius et al. teaches the method as described in claim 1 further comprising:

(e) repeating said gathering data, said determining a goal for said organization along with an associated success metric for accomplishing said goal, said

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determining a department action plan for accomplishing said goal, and said taking measurable action to accomplish said goal **(iteration of the implementation process is often needed; the Interactive Goal Panel should be periodically updated)**
[Paragraphs 48,50].

Claims 11 and 18 recite limitations already addressed by the rejection of claim 5 above; therefore, the same rejection applies.

10. Claims 6, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lassenius et al. in view of Shoemaker et al. as applied to claim 1 above, and further in view of Gary Meyer's discussion of eWorkbench in "eWorkbench: Real-time tracking of synchronized goals", published in the April 2001 issue of HRMagazine (previously supplied; hereinafter referred to as Meyer).

As per claim 6, although not explicitly taught by Lassenius et al., Meyer teaches the method as described in claim 1 wherein said determining a department action plan for accomplishing said goal further comprises:

(c1) verifying said goal and said associated success metric for accomplishing said goal within an up-line manager of said organization **(eWorkbench lets managers and line employees create and track goals, and align them with their employer's broad objectives. The program allows individuals' goals to be linked with those of**

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their bosses, all the way to the top; Managers also can create and automatically cascade goals down to their direct reports) [Paragraphs 2, 4].

Both Lassenius et al., and Meyer are directed towards monitoring success for accomplishing department goals; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Lassenius et al. to include the step of verifying department goals and associated success metrics with up-line management, because the resulting combination would enable to ensure that management and line employees along the hierarchical chain of command within the organization are in alignment with respect to objectives, goals, and means of measuring the successfulness of said goals and objectives.

Claims 12 and 19 recite limitations already addressed by the rejection of claim 6 above; therefore, the same rejection applies

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ulwick (US Patent #6,115,691) is directed towards strategy evaluation and optimization based on customer desired outcomes. A plurality of strategic options are

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evaluated to quantify the degree to which customer desired outcomes are satisfied, yielding a strategic option that best satisfies customer desired outcomes.

Shapiro et al. (USPGPub 2002/0059283) is directed towards managing customer relations. Customer surveys are conducted and stored to continually (re)assess customer value to an organization.

Graff et al. (USPGPub 2002/0082888) is directed towards a business method for a marketing strategy. A representation of how a business interacts with a customer is developed, and differences between current practices and customer expectations of said practices are identified.

Ravi Behara, Gwen Fontenot, and Alicia Gresham's "Customer Satisfaction Measurement and Analysis Using Six Sigma" (reference 1-U) discusses the importance of customer satisfaction surveys to the six sigma process, And that organizations are driven to achieving six sigma levels of performance to address customer expectations.

Bill Curtis, William E. Hefley and Sally Miller's "Overview of the People Capability Maturity Model" (reference 1-V) discusses the process of an organization assessing their maturity levels pertaining to people management practices, each maturity level being composed of several key process areas for achieving a set of goals considered important for enhancing workforce capability.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 20, 2007


ROMAIN JEANTY
PRIMARY EXAMINER
Art Unit 3623